

ANDOVER BOARD OF HEALTH

Minutes

November 3, 2008, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health meeting was called to order at 6:01 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Margaret N. Kruse, Clerk, Dr. Donald H. Miller, Vice-Chairman and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **October 6, 2008**

Motion by Ms. Kruse, seconded by Ms. Martin to approve the Minutes of the Meeting of October 6, 2008. Unanimous approval.

II. Appointments & Hearings

- **John Zipeto, Fish Brook Watershed Advisory Committee to discuss possible revisions to the Watershed Protection Bylaw** – John Zipeto was present and talked about the Draft Watershed Protection Bylaw revision which was generated by his involvement in the Fish Brook Watershed Advisory Committee. This is one of a number of initiatives by the Committee. The movement of the Salt Shed is still being worked on and the Committee hopes to see that to fruition or at least to the point where the Salt Shed is under design or in the planning stages. The Committee has done an investigation of Haggetts Pond to determine where the water is coming from and where the salt concentrations are the most severe with the goal of protecting the water supply. Since the Committee has been doing a lot of testing and has put monitoring equipment in place to help the Water Department, the regulatory overview is also needed. Out of that came the idea of looking at the current watershed bylaw and updating it, since the last update was in the 1980's. Mr. Zipeto has been revising the overlay district bylaw and looking at existing state laws and regulations involving water supplies, updating some references to hazardous materials and waste, and expanding a section about prohibitions. Another thing the Committee is looking for is to expand salt free/reduced salt areas around the pond. Prohibited materials would be any snow combined with salt & sand that may be dumped within the watershed. Mr. Zipeto is looking to help the Town by giving it regulatory clout and control for the present and the future. Mr. Zipeto will take comments from the various departments to make sure there are no duplications or procedural issues, and is willing to make time available to discuss any issues the Board may have.

- **6:15 p.m. - Executive Session with Board of Selectmen to discuss possible legal strategy concerning 2 Carriage Hill Road**

Motion by Ms. Kruse, seconded by Ms. Martin to go into Executive Session with the Board of Selectman. Ms. Martin conducted a roll call vote with the following results: Ms. Martin, yes, Dr. Miller, yes, Ms. Kruse, yes. The Board of Health will reconvene after Executive Session and any decisions will be documented.

The Board Reconvened from Executive Session at 7:07 p.m. with the note that no decisions were made by the Board of Health at that meeting.

III. Discussion

- **Follow-up Strategy concerning 2 Carriage Hill Road** - The Board decided to have Mr. Carbone prepare an educational packet to share with the Board of Selectmen to help understand the role of Public Health and the Board of Health's position.

IV. Old Business

- N/A

V. Subdivision Definitive Plans

- **180 Abbot Street – Withdrawal** – Mr. Carbone informed the Board that the plans have been withdrawn from the Planning Board and that the applicant will be making changes in order to re-file.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals:

- **25 Yardley Road - LUA to allow SAS to be 3' above the SHWT – Ratify** – Mr. Carbone explained that the homeowners were hoping to get the septic completed quickly before they sold the house; therefore, he had polled the Board for approval. There have been some problems with the house and the sale fell through. The Installer put the system 7' from the property line instead of the proposed 13'. Mr. Carbone is asking the Board of Health to ratify the LUA to allow SAS to be 3' above the SHWT, but not the setbacks.

Ms. Martin moved to ratify the LUA to allow the SAS to be 3' above the SHWT at 25 Yardley Road, seconded by Ms. Kruse. Unanimous approval.

- **19 Exeter Way - LUA to allow tank 5' to foundation, LUA to allow SAS 12' to foundation, LUA to allow SAS to be 4' above the SHWT.** –Mr. Carbone explained that the best space to install the new septic system would

be the front yard, because the rear yard has a steep slope as well as a lot of trees. Mr. Carbone recommended approval.

Dr Miller moved to approve the Local Upgrade Approval to allow the tank to be 5' to the foundation, LUA to allow the SAS to be 12' to the foundation, LUA to allow the SAS to be 4' above the SHWT at 19 Exeter Way, seconded by Ms. Kruse. Unanimous approval.

B. B.S.I.P. – Ratify

Ms. Martin moved to ratify, seconded by Ms. Kruse. The Board voted unanimously to ratify the following BSIP's:

5	Maple Court	TM	38	TL	145
22	Powers Road	TM	121	TL	39
268	River Road	TM	205	TL	24
27	Vine Street	TM	44	TL	28
14	Woburn Street	TM	97	TL	4

Unanimous approval.

C. S.S.A.P – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSAP's:

22	Powers Road	TM	121	TL	39
268	River Road	TM	205	TL	24
14	Woburn Street	TM	97	TL	4

Unanimous approval.

D. S.S.U.P.– Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSUP's:

9	Chester Street	TM	137	TL	41
5	Maple Court	TM	38	TL	145

Unanimous Approval

E. B.S.R.P. – Recommend Approval:

- N/A

Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Administrative Hearing – Teatone** – Mr. Carbone explained that there was one more Administrative Hearing with Teatone. There were a number of cleaning issues and re-inspection by Ms. Patricia Crafts, Health Agent, showed that things were cleaned up to her satisfaction.
- **123 Tewksbury Street** – Mr. Carbone explained that this was cited for a failed septic system, and they had asked permission to have an inter-municipal agreement with Tewksbury to connect into their sewer. They have been fined when the system overflowed. In the beginning of October Mr. Carbone saw water trickling out of the retaining wall and discovered a trench that was purposely dug to guide the water away. Mr. Carbone went into the roofing company which is owned by the property owner and had a confrontation with him. From that day forward, they have doubled the pumping and are now doing an hourly check on the leach field. The Water Department has been reading the water meter for the past two weeks, and has been seeing an average of 1500 to 2500 gallons a day as opposed to 800 as originally estimated. There will need to be a change to the system due to the number of gallons being used.
- **Important Dates:**
 - **November 13th @ 3:30 – 6:00 p.m. High School Field House Flu Clinic**
 - **November 18th @ 7 p.m. FBWAC Meeting**
 - **November 24th @ 1:30 – 3:30 p.m. – Senior Center Flu Clinic**
 - **December 4th @ 5 p.m.- 7 p.m. – Town Offices Family Flu Clinic**
 - **December 8th @ 6 p.m. – BOH Meeting**
 - **December 9th @ 6:30 p.m. – 8 p.m. – Wood Hill Middle School Flu Clinic**
 - **December 16th @ 7 p.m. – FBWAC Meeting**
- **Re-inspection Fees** – Mr. Carbone explained that he has received re-inspection fees and that it makes sense to charge a fee when a restaurant has issues that result in multiple inspections by the Health Staff.

B. Nurses' Report for October, 2008 – The Nurses' Report will be at the December 8, 2008 Board of Health Meeting.

- C. **Inspectors' Reports for October, 2008** – The Inspectors' Reports will be at the December 8, 2008 Board of Health Meeting.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Martin to adjourn at 7:25 p.m. Unanimous approval.

- **7:20 p.m. - Presentation to Board of Selectmen – Billerica Power Plant** - The Board adjourned at 7:25 p.m. to make their presentation to the Board of Selectmen.